

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

AUG 16 2010

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

ANTHONY T. STEWART,
Petitioner,

v.

DANIEL T. MAHON, WARDEN,
Respondent.

)
) Civil Action No. 7:10cv00242
)

) **FINAL ORDER**
)

) By: Samuel G. Wilson
) United States District Judge

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that respondent's motion to dismiss is **GRANTED**, petitioner's petition is **DISMISSED**, and this action is **STRICKEN** from the court's docket.

The court finds that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1) and **DENIES** a certificate of appealability.

ENTER: August 16, 2010.


UNITED STATES DISTRICT COURT